



PUBLIC NOTICE

FEDERAL COMMUNICATIONS COMMISSION
445 TWELFTH STREET, S.W.
WASHINGTON, D.C. 20554

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DA 12-1513
Released: September 19, 2012

AT&T MOBILITY SPECTRUM LLC AND SAN DIEGO GAS & ELECTRIC COMPANY SEEK FCC CONSENT TO THE ASSIGNMENT OF TWO WCS LICENSES

WT Docket No. 12-240

PLEADING CYCLE ESTABLISHED

Petitions to Deny Due: October 1, 2012
Oppositions Due: October 11, 2012
Replies Due: October 22, 2012

I. INTRODUCTION

AT&T Mobility Spectrum LLC (“AT&T Mobility”), an indirect wholly-owned subsidiary of AT&T Inc. (collectively, “AT&T”), and San Diego Gas & Electric Company (“SDG&E”) (collectively, “the Applicants”) have filed an application (“Application”) pursuant to Section 310(d) of the Communications Act of 1934, as amended,¹ seeking to assign two Wireless Communications Service (“WCS”) licenses from SDG&E to AT&T Mobility. The Applicants state that the proposed license assignments would result in a more efficient use of underutilized spectrum, enable AT&T to expand its wireless broadband capacity, and provide more robust mobile broadband services to the public in one Cellular Market Area (“CMA”) in California.

AT&T has previously filed other applications seeking consent to assign or transfer control of a number of WCS and Advanced Wireless Service (“AWS-1”) licenses, and we consolidated those applications in a single docket and established a pleading schedule.² Because the current Application proposes an assignment of WCS licenses to AT&T similar to those addressed in the *AT&T WCS Public Notice*, to assist us in analyzing all these transactions and for purposes of administrative convenience, we shall use the same docket for the Application and use the same pleading cycle. Under that schedule, Petitions to Deny are due in 12 days, by October 1, 2012.

The proposed transaction would assign 10 megahertz of C and D Block WCS spectrum to AT&T in CMA 18 (San Diego, California). Preliminary review of the proposed transaction indicates that, post-transaction in this CMA, AT&T would hold 30 megahertz of WCS spectrum, and 120 megahertz of spectrum in total, assuming that the other pending applications in this docket are granted.

¹ 47 U.S.C. § 310(d).

² See AT&T Seeks FCC Consent to the Assignment and Transfer of Control of WCS and AWS-1 Licenses, WT Docket No. 12-240, *Public Notice*, DA 12-1431 (rel. Aug. 31, 2012) (“*AT&T WCS Public Notice*”).

II. SECTION 310(d) APPLICATION

The following application for consent to the assignment of licenses has been assigned the following file number:

<u>File No.</u>	<u>Licensee/Assignor</u>	<u>Assignee</u>	<u>Lead Call Sign</u>
0005380507	San Diego Gas & Electric Company	AT&T Mobility Spectrum LLC	WQND998

III. EX PARTE STATUS OF THIS PROCEEDING

Pursuant to Section 1.1200(a) of the Commission's rules,³ the Commission may adopt modified or more stringent *ex parte* procedures in particular proceedings if the public interest so requires. We announce that this proceeding will be governed by permit-but-disclose *ex parte* procedures that are applicable to non-restricted proceedings under Section 1.1206 of the Commission's rules.⁴

Parties making oral *ex parte* presentations are directed to the Commission's revised *ex parte* rules. Parties are reminded that memoranda summarizing the presentation must contain the presentation's substance and not merely list the subjects discussed.⁵ More than a one- or two-sentence description of the views and arguments presented is generally required.⁶ Other rules pertaining to oral and written presentations are set forth in Section 1.1206(b) as well.⁷

IV. GENERAL INFORMATION

The assignment application has been found, upon initial review, to be acceptable for filing. The Commission reserves the right to return any application if, upon further examination, it is determined to be defective and not in conformance with the Commission's rules or policies.

Interested parties must file petitions to deny no later than **October 1, 2012**. Persons and entities that file petitions to deny become parties to the proceeding. They may participate fully in the proceeding, including seeking access to any confidential information that may be filed under a protective order, seeking reconsideration of decisions, and filing appeals of a final decision to the courts. Oppositions to such pleadings must be filed no later than **October 11, 2012**. Replies to such pleadings must be filed no later than **October 22, 2012**. All filings concerning matters referenced in this Public Notice should refer to WT Docket No. 12-240.

To allow the Commission to consider fully all substantive issues regarding these applications in as timely and efficient a manner as possible, petitioners and commenters should raise all issues in their initial filings. New issues may not be raised in responses or replies.⁸ A party or interested person seeking to raise a new issue after the pleading cycle has closed must show good cause why it was not possible for it to have raised the issue previously. Submissions after the pleading cycle has closed that seek to raise new issues based on new facts or newly discovered facts should be filed

³ 47 C.F.R. § 1.1200(a).

⁴ 47 C.F.R. § 1.1206.

⁵ See 47 C.F.R. § 1.1206(b)(1).

⁶ See *id.*

⁷ *Id.* § 1.1206(b).

⁸ See 47 C.F.R. § 1.45(c).

within 15 days after such facts are discovered. Absent such a showing of good cause, any issues not timely raised may be disregarded by the Commission.

Under the Commission's current procedures for the submission of filings and other documents,⁹ submissions in this matter may be filed electronically through the Commission's Universal Licensing System ("ULS") or by hand delivery to the Commission.

- **If filed by ECFS,**¹⁰ comments shall be sent as an electronic file via the Internet to <http://www.fcc.gov/e-file/ecfs.html>. In completing the transmittal screen, commenters should include their full name, U.S. Postal Service mailing address, and the applicable docket number. Parties may also submit an electronic comment by Internet e-mail.
- **If filed by paper,** the original and four copies of each filing must be filed by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail. All hand-delivered or messenger-delivered paper filings for the Commission's Secretary must be delivered to FCC Headquarters at 445 12th St., SW, Room TW-A325, Washington, D.C. 20554. The filing hours at this location are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building. Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743. U.S. Postal Service first-class, Express, and Priority mail should be addressed to 445 12th Street, S.W., Washington, D.C. 20554. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

One copy of each pleading must be delivered electronically, by e-mail or facsimile, or if delivered as paper copy, by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (according to the procedures set forth above for paper filings), to: (1) the Commission's duplicating contractor, Best Copy and Printing, Inc., at FCC@BCPIWEB.COM or (202) 488-5563 (facsimile); (2) Kathy Harris, Mobility Division, Wireless Telecommunications Bureau, at kathy.harris@fcc.gov or (202) 418-7447 (facsimile); (3) Linda Ray, Broadband Division, Wireless Telecommunications Bureau, at linda.ray@fcc.gov or (202) 418-7247 (facsimile); (4) Kate Matraves, Spectrum and Competition Policy Division, Wireless Telecommunications Bureau, at catherine.matraves@fcc.gov or (202) 418-7447 (facsimile); and (5) Jim Bird, Office of General Counsel, at TransactionTeam@fcc.gov or (202) 418-1234 (facsimile).

Copies of the applications and any subsequently-filed documents in this matter may be obtained from Best Copy and Printing, Inc. in person at 445 12th Street, S.W., Room CY-B402, Washington, D.C. 20554, via telephone at (202) 488-5300, via facsimile at (202) 488-5563, or via e-mail at FCC@BCPIWEB.COM. The applications and any associated documents are also available for public inspection and copying during normal reference room hours at the following Commission office: FCC Reference Information Center, 445 12th Street, S.W., Room CY-A257, Washington, D.C. 20554. The applications are also available electronically through ULS, which may be accessed on the Commission's Internet website. To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), send an e-mail to fcc504@fcc.gov or call the Consumer and Governmental Affairs Bureau at (202) 418-0530 (voice) or (202) 418-0432 (TTY). Contact the FCC to request reasonable accommodations for filing comments (accessible format documents, sign language

⁹ See FCC Announces Change in Filing Location for Paper Documents, *Public Notice*, 24 FCC Rcd 14312 (2009).

¹⁰ See Electronic Filing of Documents in Rulemaking Proceedings, GC Docket No. 97-113, Report and Order, 13 FCC Rcd 11322 (1998).

interpreters, CART, etc.) by e-mail: FCC504@fcc.gov; phone: (202) 418-0530 or TTY: (202) 418-0432.

For further information, contact Kathy Harris, Mobility Division, Wireless Telecommunications Bureau, at (202) 418-0609, or Kate Mataves, Spectrum and Competition Policy Division, Wireless Telecommunications Bureau, at (202) 391-6272.

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